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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,320	07/31/2000	ERIC R. SCHORMAN	PF02024NA	4698

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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 07/01/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,320

Applicant(s)

SCHORMAN ET AL.

Examiner

Edwin C. Holloway, III

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 12-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 12-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2635

EXAMINER'S RESPONSE

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4-04-03 has been entered.

Egg 2. In response to applicant's amendment filed ⁴⁻⁴⁻⁰³~~9-10-02~~, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 5-6, 8-9, 11, 14, 16-19, 20-21, 23 and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borgstahl (WO 98/17032) in combination with Theimer (US 5793630).

Art Unit: 2635

Regarding independent claims 1, 10 and 20, Borgstahl discloses an wireless peer-to-peer network 22 that is considered to be an ad-hoc network of peers 20 that include a database 42, processor 40 and user output device 46 in figure 2. The peers (or members) broadcast to others a need/capability message 64 including an ID 66 corresponding to an announcement in page 10 line 30 - page 11 line 7. These messages exchange information to build a database in the peers. A peer may receive data from a service receiving peer and announce the collected data audibly or visibly on a portable or stationary device in ¹⁹col. 15 lines 9-22. Borgstahl differs from the claims by not including the user output device outputting concurrently information regarding a plurality of members.

Theimer discloses an analogous art communication system with user output device having a graphical user interface displaying a schematic such as illustrated in fig. 1 showing special location of electronic devices to graphically select devices to communicate to without need to know a network address or other obscure information in col. 5 lines 10-29.

It would have been obvious to have included in Borgstahl user output display indicating plural members in Theimer because this allows the user to select devices without need to know information such as address and page 14 lines 11-20 of Borgstahl

Art Unit: 2635

suggests user intervention.

Regarding claims 5, 14, 21 and 28-30 the display of Theimer indicates physical or special location corresponding to proximity.

Regarding claims 6, 16, and 23, Theimer discloses in col. 4 lines 21-27 the determination of special location by image, ultrasound, acoustic and radio based techniques which include signal strength.

Regarding claim 8, Theimer includes RF or IR in col. 1 lines 25-30.

Regarding claim 9, Borgstahl includes visual or audible output in page 15.

Regarding claims 17-19 the exchanging of needs and capabilities and/or the collecting of data in Borgstahl builds a database.

Regarding claims 26-27 Borgstahl includes a processor 40 associated with output device 46 that is a display in page 15 lines 9-22.

5. Claims 1, 3, 5-6, 8-9, 11-12, 14, 16-19, 20-21, 23-24 and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borgstahl (WO 98/17032) in combination with Chern (US 6381465).

Regarding independent claims 1, 10 and 20, Borgstahl

Art Unit: 2635

discloses an wireless peer-to-peer network 22 that is considered to be an ad-hoc network of peers 20 that include a database 42, processor 40 and user output device 46 in figure 2. The peers (or members) broadcast to others a need/capability message 64 including an ID 66 corresponding to an announcement in page 10 line 30 - page 11 line 7. These messages exchange information to build a database in the peers. A peer may receive data from a service receiving peer and announce the collected data audibly or visibly on a portable or stationary device in col. 15 lines 9-22. Borgstahl differs from the claims by not including the user output device outputting concurrently information regarding a plurality of members.

Chern discloses an analogous art communication system with user output device displaying visually or announcing by voice an index or list of available services for user selection in col. 8 lines 18-67. The services may be listed, ranked or sorted according to user preference such as proximity in col. 11 lines 5-26 and col. 12 lines 29-43.

It would have been obvious to have included in Borgstahl user output display indicating plural members in Chern because this allows indicating an selecting services based on user preferences and page 14 lines 11-20 of Borgstahl suggests user intervention and Borgstahl includes needs/capabilities

Art Unit: 2635

preferences.

Regarding claims 3, 12 and 24, the services of Chern "may be" sorted by user preferences. This suggests that the list may be displayed in the order received without sorting, or the preference could be time corresponding to chronological order received.

Regarding claims 5, 14, 21 and 28-30 the display of Chern includes a list that is sorted or ranked by proximity.

Regarding claims 6, 16, and 23, signal strength is a well known manner to determine the proximity of Chern.

Regarding claim 8, Chern includes RF in col. 3 line 55.

Regarding claim 9, Borgstahl includes visual or audible output in page 15. Chern includes visual or audible in col. 8.

Regarding claims 17-19 the exchanging of needs and capabilities and/or the collecting data in Borgstahl builds a database. Further Chern includes a database 138.

Regarding claims 26-27 Borgstahl includes a processor 40 associated with output device 46 that is a display in page 15 lines 9-22.

6. Claims 4, 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borgstahl (WO 98/17032) in combination with Theimer (US 5793630) Chern (US 6381465 as applied above and further in view of Will (US 5479408).

Art Unit: 2635

Will discloses an analogous art two way pager and method including queue with order dependent on urgency. See cols. 18 and 23. It would have been obvious to have included the list or queue order dependent on urgency of Will in the combination applied above to assure that priority data is transmitted in a timely manner.

7. Claims 3, 7, 12, 15, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borgstahl (WO 98/17032) in combination with Theimer (US 5793630) Chern (US 6381465 as applied above and further in view of Perkins (US 5412654).

Perkins discloses an analogous art ad-hoc network and method including in col. 6 information ranking preferences based on time or number of hops. It would have been obvious to have included the list or display in the combination applied above according to the order of time or number of hops disclose in Perkins as preference for making connection decisions.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 3-10, and 12-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Elliot (US

Art Unit: 2635

6456599) and Hild (US 6532368) disclose ad-hoc networks with announcements or advertisements or neighbor nodes and services.


CONTACT INFORMATION

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology center 2600 receptionist whose telephone number is (703) 305-4700.

Facsimile submissions may be sent via fax number (703) 872-9314 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30:-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH
6/25/03


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635